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A Professional Corporation  
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8 Attorneys for Plaintiff  
9

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12

13 THE TAWNSAURA GROUP, LLC,

14 Plaintiff,

15 vs.

16 VITACOST.COM, INC.,

17 Defendant

Case No. **SACV12-01397 DOC (FMOx)**

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

2012 AUG 28 PM 3:14  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA  
BY \_\_\_\_\_

FILED

COPY  
BY FAX

1 Plaintiff The Tawnsaura Group, LLC ("Plaintiff") hereby alleges for its  
2 Complaint against Vitacost.com, Inc. ("Defendant"), on personal knowledge as to its  
3 own activities and on information and belief as to the activities of others, as follows:

4 **I. THE PARTIES**

5 1. Plaintiff is a limited liability company organized and existing under the  
6 laws of Nevada, with a registered office at 50 West Liberty Street, Suite 1100, Reno,  
7 Nevada 89501.

8 2. Plaintiff is the owner and assignee of United States Patent No. 5,874,471  
9 ("the '471 patent") titled "Orthomolecular Medical Use of L-Citrulline for  
10 Vasoprotection, Relaxative Smooth Muscle Tone and Cell Protection," and United  
11 States Patent No. 6,028,107 ("the '107 patent") titled "Orthomolecular Medical Use of  
12 L-Citrulline for Vasoprotection, Relaxative Smooth Muscle Tone and Cell Protection,"  
13 and Plaintiff licenses the '471 patent and the '107 patent to at least one third-party and  
14 is in negotiations to license the patents to numerous other parties.

15 3. Upon information and belief, Defendant Vitacost.com, Inc. is a corporation  
16 organized and existing under the laws of Delaware with a principal place of business at  
17 5400 Broken Sound Boulevard Northwest in Boca Raton, Florida, 33487.

18 **II. JURISDICTION AND VENUE**

19 4. This is an action for patent infringement arising under the patent laws of  
20 the United States, Title 35 of the United States Code. Accordingly, this Court has  
21 subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, and 1367.

22 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

23 6. This Court has personal jurisdiction over Defendant. Defendant, directly  
24 or through intermediaries (including distributors, retailers, and others), ships,  
25 distributes, offers for sale, sells, and advertises its nutritional supplement products in  
26 the United States, the State of California, and the Central District of California,  
27 including the product "L-Citrulline." Defendant has purposefully and voluntarily  
28

1 placed the product L-Citrulline into the stream of commerce with the expectation that  
2 they will be purchased in the Central District of California.

### 3 **III. THE DEFENDANT'S INFRINGING PRODUCT**

4 7. The label and/or advertisements for Defendant's product L-Citrulline state  
5 that the product contains, inter alia, the ingredient "L-Citrulline," which "promotes  
6 vasodilation and healthy nitrogen levels to support muscle maintenance."

7 8. Defendant has committed the tort of patent infringement within the State  
8 of California, and more particularly, within the Central District of California, by virtue  
9 of the fact that Defendant has shipped, distributed, offered for sale, sold, and advertised,  
10 and continues to ship, distribute, offer for sale, sell, and advertise the infringing product  
11 L-Citrulline.

### 12 **IV. FIRST CAUSE OF ACTION**

#### 13 **Infringement of U.S. Patent No. 5,874,471**

14 9. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs  
15 of this Complaint as if fully set forth herein.

16 10. Defendant has in the past and still is literally infringing or infringing under  
17 the doctrine of equivalents, directly and indirectly through contributory and/or induced  
18 infringement, one or more claims of the '471 patent by making, using, selling, and  
19 offering for sale nutritional supplements embodying the patented invention, and will  
20 continue to do so unless enjoined by this Court.

21 11. Defendant's activities have been without express or implied license by  
22 Plaintiff.

23 12. On information and belief, the infringement by Defendant has been and  
24 continues to be willful.

25 13. As a result of Defendant's acts of infringement, Plaintiff has suffered and  
26 will continue to suffer damages in an amount to be proved at trial.

1        14. As a result of Defendant's acts of infringement, Plaintiff has been and will  
2 continue to be irreparably harmed by Defendant's infringement and inducement, which  
3 will continue unless Defendant is enjoined by this Court.

4        15. Plaintiff believes that Defendant's past infringement and/or continuing  
5 infringement has been deliberate and willful, and that this case is therefore an  
6 exceptional case, which warrants an award of treble damages and attorneys' fees in  
7 accordance with 35 U.S.C. § 285.

8                                    **V.    SECOND CAUSE OF ACTION**

9                                    **Infringement of U.S. Patent No. 6,028,107**

10        16. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs  
11 of this Complaint as if fully set forth herein.

12        17. Defendant has in the past and still is literally infringing or infringing under  
13 the doctrine of equivalents, directly and indirectly through contributory and/or induced  
14 infringement, one or more claims of the '107 patent by making, using, selling, and  
15 offering for sale nutritional supplements embodying the patented invention, and will  
16 continue to do so unless enjoined by this Court.

17        18. Defendant's activities have been without express or implied license by  
18 Plaintiff.

19        19. On information and belief, the infringement by Defendant has been and  
20 continues to be willful.

21        20. As a result of Defendant's acts of infringement, Plaintiff has suffered and  
22 will continue to suffer damages in an amount to be proved at trial.

23        21. As a result of Defendant's acts of infringement, Plaintiff has been and will  
24 continue to be irreparably harmed by Defendant's infringement and inducement, which  
25 will continue unless Defendant is enjoined by this Court.

26        22. Plaintiff believes that Defendant's past infringement and/or continuing  
27 infringement has been deliberate and willful, and that this case is therefore an  
28

1 exceptional case, which warrants an award of treble damages and attorneys' fees in  
2 accordance with 35 U.S.C. § 285.

3 **VI. THIRD CAUSE OF ACTION**

4 **Tortious Interference with Prospective Economic Advantage**

5 23. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs  
6 of this Complaint as if fully set forth herein.

7 24. At all relevant times, Plaintiff has licensed the patents to at least one  
8 manufacturer of dietary supplements. Plaintiff, as exclusive owner of the rights  
9 embodied in the patents, also has prospective licensing relationships with numerous  
10 other manufacturers and distributors of dietary supplements that contain citrulline.

11 25. Defendant has both actual and constructive knowledge of the preceding  
12 potential economic relationships. Defendant has constructive knowledge of Plaintiff's  
13 patents and the exclusive rights embodied therein because they are matters of public  
14 record. Defendant also has actual knowledge of Plaintiff's patents and the rights  
15 embodied therein because Defendant has chosen to knowingly infringe the patents  
16 rather than license the patents from Plaintiff and pay Plaintiff a reasonable royalty  
17 thereon.

18 26. Defendant's intentional wrongful acts have disrupted the prospective  
19 economic relationship between Plaintiff and other potential licensees. Specifically,  
20 other manufacturers of dietary supplements - that are competitors of defendant - have  
21 declined to enter into licensing relationships with Plaintiff because those competitors  
22 are aware that Defendant is infringing Plaintiff's patents instead of paying Plaintiff a  
23 reasonable royalty thereon; as such, those potential licensees would be at a competitive  
24 disadvantage to defendant by licensing (and paying for) the rights to Plaintiff's patents  
25 that defendant is simply infringing and not paying.

26 27. Plaintiff has suffered economic harm proximately caused by the acts of the  
27 Defendant.  
28

**VII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for entry of judgment against Defendant as follows:

1. A declaration that Defendant has infringed the '471 patent and the '107 patent under 35 U.S.C. §§ 271 *et seq.*;

2. A declaration that Defendant has tortiously interfered with Plaintiff's prospective economic advantages;

3. That injunctions, preliminary and permanent, be issued by this Court restraining Defendant, its respective officers, agents, servants, directors, and employees, and all persons in active concert or participation with each, from directly or indirectly infringing, or inducing or contributing to the infringement by others of, the '471 patent and the '107 patent;

4. That Defendant be required to provide to Plaintiff an accounting of all gains, profits, and advantages derived by Defendant's infringement of the '471 patent and the '107 patent, and that Plaintiff be awarded damages adequate to compensate Plaintiff for the wrongful infringing acts by Defendant, in accordance with 35 U.S.C. § 284;

5. That the damages awarded to Plaintiff with regard to the '471 patent and the '107 patent be increased up to three times, in view of Defendant's willful infringement, in accordance with 35 U.S.C. § 284;

6. That this case be declared to be exceptional in favor of Plaintiff under 35 U.S.C. § 285, and that Plaintiff be awarded its reasonable attorneys' fees and other expenses incurred in connection with this action;

7. That Plaintiff be awarded its interest and costs of suit incurred in this action;

8. Compensatory damages;

9. Punitive damages; and

///



10. That Plaintiff be awarded such other and further relief as this Court may deem just and proper.

Dated: August 28, 2012

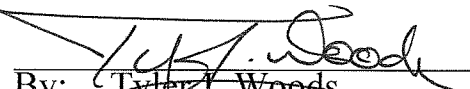
**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a jury trial for all issues in this case that properly are subject to a jury trial.

Respectfully submitted,

NEWPORT TRIAL GROUP  
A Professional Corporation

Dated: August 28, 2012

By:   
Tyler J. Woods  
Attorneys for Plaintiff



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Fernando M. Olguin.

The case number on all documents filed with the Court should read as follows:

**SACV12- 1397 DOC (FMOx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address: NEWPORT TRIAL GROUP  
 Tyler J. Woods (State Bar No. 232464)  
 Richard H. Hikida (State Bar No. 196149)  
 Kalman G. Magyar (pro hac vice motion forthcoming)  
 Scott J. Ferrell (State Bar No. 202091)  
 895 Dove Street, Ste 425, Newport Beach, CA 92660

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

|                           |                         |
|---------------------------|-------------------------|
| THE TAWNSAURA GROUP, LLC, | CASE NUMBER             |
| v.                        | SACV12-01397 DOC (FMOx) |
| PLAINTIFF(S)              | SUMMONS                 |
| VITACOST.COM, INC.,       |                         |
| DEFENDANT(S).             |                         |

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Newport Trial Group, whose address is 895 Dove Street, Suite 425, Newport Beach, CA 92660. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: AUGUST 28, 2012

By: W.B.  
 Deputy Clerk  
 (Seal of the U.S. District Court, Central District of California)  
 1225

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

|   |  |  |  |
|---|--|--|--|
| <b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> )<br>THE TAWSAURA GROUP, LLC,  |  | <b>DEFENDANTS</b><br>VITACOST.COM, INC., |  |
| <b>(b)</b> Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)<br><br>NEWPORT TRIAL GROUP, 895 Dove Street, Suite 425, Newport Beach, CA 92660<br>Tel: (949) 706-6464 Fax (949) 706-6469 |  | Attorneys (If Known)                     |  |

|  |  |                            |   |                                       |   |     |     |                            |                            |                            |                            |                            |                            |                          |                            |                            |   |                                       |                                       |                            |                            |                            |                            |                            |                            |   |                            |                            |                |                            |                            |                            |                            |                            |                            |                            |                            |
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| <b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)<br><br><input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)<br><br><input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | <b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b><br>(Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:40%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:40%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input checked="" type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table> | Citizen of This State      | PTF   | DEF                                   | Incorporated or Principal Place of Business in this State | PTF | DEF | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| Citizen of This State  | PTF  | DEF                        | Incorporated or Principal Place of Business in this State     | PTF                                   | DEF   |     |     |                            |                            |                            |                            |                            |                            |                          |                            |                            |   |                                       |                                       |                            |                            |                            |                            |                            |                            |   |                            |                            |                |                            |                            |                            |                            |                            |                            |                            |                            |
| <input type="checkbox"/> 1   | <input type="checkbox"/> 1   | <input type="checkbox"/> 1 | <input type="checkbox"/> 4                                    | <input type="checkbox"/> 4            | <input type="checkbox"/> 4                                |     |     |                            |                            |                            |                            |                            |                            |                          |                            |                            |   |                                       |                                       |                            |                            |                            |                            |                            |                            |   |                            |                            |                |                            |                            |                            |                            |                            |                            |                            |                            |
| Citizen of Another State   | <input type="checkbox"/> 2   | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5                     |     |     |                            |                            |                            |                            |                            |                            |                          |                            |                            |   |                                       |                                       |                            |                            |                            |                            |                            |                            |   |                            |                            |                |                            |                            |                            |                            |                            |                            |                            |                            |
| <input type="checkbox"/> 2   | <input type="checkbox"/> 2   | <input type="checkbox"/> 2 | <input type="checkbox"/> 5                                    | <input type="checkbox"/> 5            | <input type="checkbox"/> 5                                |     |     |                            |                            |                            |                            |                            |                            |                          |                            |                            |   |                                       |                                       |                            |                            |                            |                            |                            |                            |   |                            |                            |                |                            |                            |                            |                            |                            |                            |                            |                            |
| Citizen or Subject of a Foreign Country  | <input type="checkbox"/> 3   | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6                                |     |     |                            |                            |                            |                            |                            |                            |                          |                            |                            |   |                                       |                                       |                            |                            |                            |                            |                            |                            |   |                            |                            |                |                            |                            |                            |                            |                            |                            |                            |                            |
| <input type="checkbox"/> 3   | <input type="checkbox"/> 3   | <input type="checkbox"/> 3 | <input type="checkbox"/> 6                                    | <input type="checkbox"/> 6            | <input type="checkbox"/> 6                                |     |     |                            |                            |                            |                            |                            |                            |                          |                            |                            |   |                                       |                                       |                            |                            |                            |                            |                            |                            |   |                            |                            |                |                            |                            |                            |                            |                            |                            |                            |                            |

  
**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from another district (specify):    ☐ 6 Multi-District Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge
   
  
**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes    ☐ No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION under F.R.C.P. 23:** ☐ Yes    ☒ No    **MONEY DEMANDED IN COMPLAINT: \$** TBD
   
  
**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 35 USC §§271, et seq; 35 USC §§284; 35 USC §§285
   
  
**VII. NATURE OF SUIT** (Place an X in one box only.)
 

|   |  |  |   |  |  |
|---|--|--|---|--|--|
| <b>OTHER STATUTES</b><br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce/ICC Rates/etc.<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Act<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Info. Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes | <b>CONTRACT</b><br><input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise<br><b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property | <b>TORTS</b><br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Fed. Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury-Med Malpractice<br><input type="checkbox"/> 365 Personal Injury-Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 463 Habeas Corpus-Alien Detainee<br><input type="checkbox"/> 465 Other Immigration Actions | <b>TORTS</b><br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability<br><b>BANKRUPTCY</b><br><input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 American with Disabilities - Employment<br><input type="checkbox"/> 446 American with Disabilities - Other<br><input type="checkbox"/> 440 Other Civil Rights | <b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General Habeas Corpus<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus/Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><b>FORFEITURE / PENALTY</b><br><input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs<br><input type="checkbox"/> 660 Occupational Safety /Health<br><input type="checkbox"/> 690 Other | <b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input checked="" type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
|---|--|--|---|--|--|

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

**SACV12-01397 DOC (FMOx)**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

|                           |   |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
|                           | THE TAWNSAURA GROUP, LLC - Washoe County, Nevada  |

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

|                           |   |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
|                           | VITACOST.COM, INC. - Palm Beach County, Florida   |

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

|                                       |   |
|---------------------------------------|---|
| County in this District:*             | California County outside of this District; State, if other than California; or Foreign Country |
| Plaintiff's Claim - Orange County, CA |   |

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date August 28, 2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action   |
|---------------------|--------------|--|
| 861                 | HIA          | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862                 | BL           | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)  |
| 863                 | DIWC         | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))   |
| 863                 | DIWW         | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))  |
| 864                 | SSID         | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.  |
| 865                 | RSI          | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))   |